

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

INA STEINER,
DAVID STEINER,
STEINER ASSOCIATES, LLC,
Plaintiffs

v.

No. 21-cv-11181-DPW

EBAY, INC.,
PROGRESSIVE F.O.R.C.E. CONCEPTS, LLC,
DEVIN WENIG,
STEVE WYMER,
JAMES BAUGH,
DAVID HARVILLE,
BRIAN GILBERT,
STEPHANIE POPP,
STEPHANIE STOCKWELL,
VERONICZ ZEA,
PHILIP COOKE,
JOHN AND JANE DOE,
Defendants.

**DEFENDANT/CROSSCLAIM PLAINTIFF JIM BAUGH'S RESPONSE
TO MOTION FOR STAY**

Pursuant to this Court's Order [D.E. 109], Defendant/Crossclaim Plaintiff Jim Baugh¹ hereby responds to the Joint Motion of Plaintiffs and eBay to Stay Proceedings [D.E. 108].

1. Plaintiffs and eBay have requested a stay in order to pursue a mediation to which Mr. Baugh will not be a party.

2. Plaintiffs brought this civil lawsuit against eBay, Mr. Baugh, and others alleging they suffered damages (including RICO treble damages and punitive damages), arising from alleged actions taken by eBay employees acting within the scope of their employment at the behest

¹ Mr. Baugh's true given name is "Jim" not "James."

of company executives. At the same time, eBay has actively cooperated in the government's criminal prosecution of Mr. Baugh, while avoiding any charges against the company or its senior executives, including former CEO Devin Wenig. Given these circumstances, Mr. Baugh has no reason to believe that Plaintiffs or eBay will consider his interests in connection with any possible settlement discussions, must less act in his best interests.

3. eBay has refused Mr. Baugh's request to indemnify him or, alternatively, to provide assurance that it will require any settlement to include a release of Plaintiffs' claims against him.

4. Plaintiffs have refused Mr. Baugh's request to provide assurance that, in the event of a settlement with eBay, Plaintiffs will dismiss their claims against him.

5. Mr. Baugh has filed a cross-claim against eBay for indemnification [D.E. 110].

6. The requested stay is of no benefit to Mr. Baugh and delays adjudication of his claims and defenses in this case. Accordingly, he opposes the request for a stay and maintains that the case should proceed in the ordinary course, which does not prevent eBay and Plaintiffs from pursuing mediation.

Respectfully submitted,

JIM BAUGH

By his attorneys,

/s/ William W. Fick

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on February 4, 2022.

/s/ William W. Fick